S.B. CIVIL WRIT PETITION NO.5456/2005

Nana Lal & others vs. Dinesh Chandra & another.

Date : 19.9.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Suresh Srimali, for the petitioners.

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Heard.

The petitioners' objection before the court below was that in view of the subsequent change in law changing the pecuniary jurisdiction of the courts, the suit filed by the plaintiff/respondent should have been transferred to the Court of Civil Judge (Senior Division) who got the jurisdiction to decide the cases upto the valuation of Rs.50,000/- but in this case, despite the change in jurisdiction of the courts, the suit has not been transferred.

The learned District Judge, Udaipur in its order dated 6.8.2005 took note of the fact that the suit under Section 6 of the Specific Relief Act is pending since 31.8.1999. The change in law was made in the year 1994. Both the parties took part in the proceedings even after the change of pecuniary jurisdiction for more than 10 years and thereafter, the petitioners submitted this application for transfer of the case. The District Judge, after taking note of the above facts, rejected the application.

I do not find any illegality in the order of the

District Judge, Udaipur and learned counsel for the petitioner also could not point out any provision of law by which there is mandate upon the District Judge to transfer the cases because of change in pecuniary jurisdiction necessarily which have been filed and which were pending during the coming into force of provision of change for jurisdiction. Otherwise also, the petitioners are not going to suffer if the trial is by the Court of higher pecuniary jurisdiction.

In view of the above, no interference is called for by this Court in the impugned order under writ jurisdiction. Accordingly, the writ petition having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya